

AMENDED IN SENATE AUGUST 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1889

Introduced by Assembly Member Nava

January 23, 2006

An act to amend Sections 8575, 8576, ~~and 8578~~ of 8579, 8612, and 8613 of, to amend and renumber Sections 8580 and 8581 of, and to add Section 8581.5 to, the Government Code, and to amend Section 3211.91 of the Labor Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, as amended, Nava. California Emergency Council.

Existing law creates the California Emergency Council, consisting of a specified membership ~~including the Governor, who is required to be ex officio chairperson of the council. The council is required to meet upon call of the Governor, not less frequently than annually and~~ specified duties, including duties with regard to the certification of local disaster councils and the classification of disaster service workers.

This bill would also require the membership of the council to include ~~the Adjutant General, the Director of Homeland Security or its successor entity, the Secretary of Health and Human Services, and the Director of Emergency Services, who may be ex officio chairperson at the Governor's discretion. The bill would require the meetings of the council to take place in Sacramento~~ a representative of a local public health agency, to be appointed by the Governor, would require the council to have 2 advisory committees with specified memberships and duties, and would include the encouragement of certain community, business, and school preparedness efforts and the

publication of a biennial report on emergency preparedness, among the council's duties. It would require the Office of Emergency Services to provide staff support to the Emergency Council as necessary, and to perform the duties currently performed by the council with respect to the certification of local disaster councils and the classification of disaster service workers. It would also require the Office of Emergency Services to provide notice to Emergency Council members with respect to any state of emergency declared by the Governor when the council is not meeting.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8575 of the Government Code is
2 amended to read:
3 8575. (a) There is hereby created a California Emergency
4 Council, to consist of all of the following members:
5 (1) The Governor, or an alternate appointed by him or her.
6 (2) The Lieutenant Governor, or an alternate appointed by him
7 or her.
8 (3) The Attorney General, or an alternate appointed by him or
9 her.
10 (4) One representative of the city governments of the state and
11 one representative of the county governments of the state, to be
12 appointed by the Governor and to serve at his or her pleasure,
13 except that these members shall be from different counties.
14 (5) One representative of the American National Red Cross, to
15 be appointed by the Governor.
16 (6) One representative of the city or county fire services of the
17 state and one representative of the city or county law
18 enforcement services of the state, to be appointed by the
19 Governor and to serve at his or her pleasure, except that these
20 members shall be from different counties.
21 ~~(7) The Adjutant General, or an alternate appointed by him or~~
22 ~~her.~~
23 ~~(8) The Director of the Office of Emergency Services, or an~~
24 ~~alternate appointed by him or her.~~
25 ~~(9) The Director of the Office of Homeland Security or its~~
26 ~~successor entity, or an alternate appointed by him or her.~~

1 ~~(1) The Secretary of Health and Human Services.~~

2 *(7) One representative of a local public health agency, to be*
3 *appointed by the Governor and to serve at his or her pleasure.*

4 (b) The President pro Tempore of the Senate and the Speaker
5 of the Assembly shall meet with and participate in the work of
6 the Emergency Council to the same extent as members of the
7 council appointed by the Governor, except when that
8 participation is constitutionally incompatible with their
9 respective positions as Members of the Legislature.

10 (c) If the President pro Tempore of the Senate does not desire
11 to serve on the Emergency Council, the Senate Rules Committee
12 may appoint a Member of the Senate to serve in his or her stead.
13 If the Speaker of the Assembly does not desire to serve on the
14 Emergency Council, he or she may appoint a Member of the
15 Assembly to serve in his or her stead.

16 SEC. 2. Section 8576 of the Government Code is amended to
17 read:

18 8576. ~~(a) The Governor, or at the Governor's discretion, the~~
19 ~~Director of Emergency Services,~~ shall be ex officio Chairperson
20 of the Emergency Council.

21 *(b) The Office of Emergency Services shall provide staff*
22 *support to the Emergency Council as necessary.*

23 SEC. 3. ~~Section 8578 of the Government Code is amended to~~
24 ~~read:~~

25 ~~8578. The Emergency Council shall meet in Sacramento upon~~
26 ~~call of the Governor, not less frequently than annually. Except~~
27 ~~during a state of war emergency or a state of emergency, notice~~
28 ~~of the meeting shall be given to each member not less than 15~~
29 ~~days prior to the day selected by the Governor for the meeting of~~
30 ~~the Emergency Council.~~

31 SEC. 3. Section 8579 of the Government Code is amended to
32 read:

33 8579. (a) It shall be the duty of the Emergency Council, and
34 it is hereby empowered, to act as an advisory body to the
35 Governor in times of emergency and with reference thereto in
36 order to minimize the effects of ~~such~~ those occurrences by
37 recommending ameliorative action.

38 The

39 *(b) The powers and duties of the Emergency Council shall*
40 *include all of the following:*

- 1 ~~(a)~~
2 (1) To consider, recommend, and approve orders and
3 regulations ~~which~~ *that* are within the province of the Governor to
4 promulgate;.
- 5 ~~(b)~~
6 (2) To consider and recommend to the Governor for approval
7 the boundaries of ~~such~~ *any* mutual aid regions of the state as may
8 be designated;.
- 9 ~~(c)~~
10 (3) To recommend to the Governor the assignment of any
11 responsibility, service, or activity relative to emergencies or
12 emergency planning to a state agency having duties related to
13 ~~such~~ *that* responsibility, service, or activity;.
- 14 ~~(d)~~
15 (4) To consider and recommend the creation by the Governor
16 of advisory committees in order to make civilian participation
17 and cooperation in emergency planning and activities available to
18 the state;.
- 19 ~~(e)~~
20 (5) To consider and recommend the expenditures of moneys
21 appropriated for any of the objectives or purposes of this
22 chapter;.
- 23 ~~(f)~~
24 (6) To consider and recommend to the Governor for approval
25 a State Emergency Plan built around mutual aid and the
26 integration into ~~such~~ *that* plan of the several state agencies whose
27 resources are necessary in coping with emergencies;.
- 28 ~~(g) To certify the accredited status of local disaster councils;~~
29 ~~(h)~~
30 (7) To encourage the development and maintenance of
31 emergency plans based on mutual aid, whereunder political
32 subdivisions may most effectively protect life and property and
33 mitigate other effects of emergencies;.
- 34 ~~(i)~~
35 (8) To evaluate and report to the Governor on state
36 communications systems with particular regard to their adequacy
37 in case of emergency.
- 38 (9) *To encourage the individual and integrated emergency*
39 *preparedness efforts of communities, businesses, and schools.*

1 (c) (1) *The Emergency Council shall, at a minimum, have the*
2 *following two standing advisory committees, with members*
3 *selected by the Governor:*

4 (A) *An advisory committee composed of representatives of*
5 *volunteer organizations that aid or prepare their communities for*
6 *potential disasters.*

7 (B) *An advisory committee composed of the business leaders*
8 *representing businesses in the state that will work in partnership*
9 *with government to prepare businesses and communities for*
10 *potential disasters.*

11 (2) *The duties of the advisory committees shall include, but not*
12 *be limited to, all of the following:*

13 (A) *Developing and promoting statewide initiatives and*
14 *programs to better prepare communities, businesses, and schools*
15 *to survive disasters.*

16 (B) *Advising the Emergency Council on how public, private,*
17 *and nonprofit entities can provide resources, assets, personnel,*
18 *volunteers, and any other relevant services to fully integrate the*
19 *private sector into the state's emergency preparedness,*
20 *mitigation, response, and recovery plans.*

21 (C) *Advising the Emergency Council on appropriate*
22 *agreements to provide for quick access to emergency supplies*
23 *and services in order to minimize the need to stockpile those*
24 *supplies.*

25 (3) *The members of the advisory committees shall receive no*
26 *compensation for their service.*

27 (d) *When the Emergency Council is not meeting, the Office of*
28 *Emergency Services shall provide notice to the members of the*
29 *council of any state of emergency proclaimed by the Governor*
30 *pursuant to Section 8558, as soon as practical after the issuance*
31 *of the proclamation. The notification shall include the status of*
32 *emergency activities.*

33 SEC. 4. *Section 8580 of the Government Code is amended*
34 *and renumbered to read:*

35 8580:

36 8585.5. *The Office of Emergency-Council Services shall*
37 *establish by rule and regulation various classes of disaster service*
38 *workers and the scope of the duties of each class. The Office of*
39 *Emergency-Council Services shall also adopt rules and*
40 *regulations prescribing the manner in which disaster service*

workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation.

SEC. 5. Section 8581 of the Government Code is amended and renumbered to read:

8581.

~~8585.7. At any time when the Emergency Council is not meeting the Governor~~ The Office of Emergency Services may certify the accredited status of local disaster councils, subject to the requirements of Section 8612. ~~Such certification shall be final for all purposes, subject to the power of the Emergency Council to set aside such certification and exercise the authority granted to it by this chapter.~~

~~At each meeting of the Emergency Council, the Governor shall report to it any action taken by him pursuant to this section subsequent to its last meeting.~~

SEC. 6. Section 8581.5 is added to the Government Code, to read:

8581.5. The Emergency Council shall publish a biennial report on the state of emergency preparedness for catastrophic disasters. This report shall include information from the after action analysis of disasters in the preceding two years, research directed by the Emergency Council, and surveys of local and state emergency response agencies. The biennial report shall also include a summary of strategic actions necessary to address identified gaps in emergency preparedness and an evaluation of previous efforts to close gaps identified in previous reports, audits, and independent analyses.

SEC. 7. Section 8612 of the Government Code is amended to read:

8612. Any disaster council ~~which~~ that both agrees to follow the rules and regulations established by the ~~Emergency Council Office of Emergency Services~~ pursuant to the provisions of Section ~~8580~~ 8585.5 and substantially complies with ~~such~~ those rules and regulations shall be certified by the ~~Emergency Council office~~. Upon ~~such~~ that certification, and not before, the disaster council becomes an accredited disaster council.

SEC. 8. Section 8613 of the Government Code is amended to read:

1 8613. Should an accredited disaster council fail to comply
2 with the rules and regulations of the *Office of Emergency*
3 ~~Council Services~~ in any material degree, the ~~Emergency Council~~
4 *office* may revoke its certification and, upon the act of
5 revocation, the disaster council shall lose its accredited status. It
6 may again become an accredited disaster council in the same
7 manner as is provided for a disaster council ~~which~~ *that* has not
8 previously been accredited.

9 *SEC. 9. Section 3211.91 of the Labor Code is amended to*
10 *read:*

11 3211.91. “Accredited disaster council” means a disaster
12 council ~~which~~ *that* is certified by the ~~California Office of~~
13 ~~Emergency Council Services~~ as conforming with the rules and
14 regulations established by the ~~California Emergency Council~~
15 *office* pursuant to the provisions of Article 10 (commencing with
16 Section 8610) of Chapter 7 of Division 1 of Title 2 of the
17 Government Code. A disaster council remains accredited only
18 while the certification of the ~~California Office of Emergency~~
19 ~~Council Services~~ is in effect and is not revoked.